

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ANTHONY W. HUBBARD,

Plaintiff,

v.

**MACON INN MANAGEMENT, formerly
SCOTTISH INN—MACON**

Defendant.

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CIVIL ACTION NO. 5:10-CV-365-MTT

ORDER

This matter is before the Court on pro se Plaintiff Anthony Hubbard's Response (Doc. 8) to the Court's Order (Doc. 3) dated October 7, 2010. In that Order, the Court granted the Plaintiff's Motion to Proceed in Forma Pauperis, but reserved ruling on the issue of frivolity until the Plaintiff submitted an amended complaint that more clearly and succinctly sets forth the facts and legal grounds on which his claims rest.

Because the Plaintiff is proceeding in forma pauperis, this Court is required to dismiss the case if, among other things, it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915 (e)(2). In this case, the Plaintiff's Complaint (Doc. 1) should be dismissed for failure to state a claim. In short, the Plaintiff's Complaint and Response are incoherent. Both documents contain unintelligible and conclusory allegations that fail to raise a right to relief above the speculative level, as required by Federal Rule of Civil Procedure 8(a)(2). See *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007). The Plaintiff has also filed numerous Exhibits (Docs. 4, 9, 10, 11, 12, 13) that, like the Plaintiff's Complaint, fail to inform the Court or the Defendant of any legal theory

or factual basis on which the Plaintiff's claim rests. Accordingly, the Plaintiff's Complaint is **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted.

SO ORDERED, this 2nd day of November, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT